

# REVIEW FOR APPLICABILITY AND COMPLIANCE WITH ORDINANCES/POLICIES

## FOR PURPOSES OF CONSIDERATION OF OAKMONT II MAJOR RESIDENTIAL SUBDIVISION 3100 5421, ER 05-14-003

March 3, 2011

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
☒

NO  
☐

NOT APPLICABLE/EXEMPT  
☐

Discussion:

The proposed project and any off-site improvements related to the proposed project are within the boundaries of the Multiple Species Conservation Program. The project conforms with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Conformance Statement dated January 4, 2010.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

The project will obtain its water supply from the Padre Dam Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The <a href="#">Steep Slope</a> section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

## Discussion:

***Wetland and Wetland Buffers:***

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

***Floodways and Floodplain Fringe:***

The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

***Steep Slopes:***

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property however, an open space easement is proposed over the entire steep slope lands. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site as determined on

a site visit conducted by Maggie Loy on December 14, 2006. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed by a County of San Diego certified archaeologist/historian Brian F. Smith on May 8-9, 31 and June 8, 2006, and it has been determined there are five archaeological sites. These resources are bedrock milling stations (CA-SDI-5079, CA-SDI-17900, SDI-17901, CA-SDI-17902, and CA-SDI-17903). Sites CA-SDI-17901, CA-SDI-17902, and CA-SDI-17903 are within areas of dedicated open space, while CA-SDI-5079 and CA-SDI-17900 are located in areas proposed for development. An archaeological technical study entitled, *A Cultural Resource Study of the Oakmont II Project*, prepared by Brian F. Smith and Associates, dated July 11, 2006, evaluated the significance of the archaeological resources to be impacted (CA-SDI-5079 and CA-SDI-17900) and based on subsurface testing, analysis of recovered artifacts, and other investigations and has determined that these archaeological resources are significant pursuant to the County of San Diego Resource Protection Ordinance because they have the potential to yield information. However, the recordation of the information and curation of artifacts have exhausted all research potential associated with this site.

The project complies with the Resource Protection Ordinance because the impacted sites (CA-SDI-5079 and CA-SDI-17900) have been recorded and tested, resulting in a less than significant impact. The remaining archaeological sites (CA-SDI-17901, CA-SDI-17902, and CA-SDI-17903) will be preserved in a larger biological dedicated open space easement and fenced and is far enough away from development or covered with native vegetation such that it can be preserved in a native state.

Grading monitoring, consisting of a County-approved archaeologist and Native American observer, will be a required condition of project approval because of the proximity of known archaeological sites. In addition, temporary fencing of the three sites placed within open space will be required during construction.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  
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NO  
☐

NOT APPLICABLE  
☐

Discussion:

The project Storm Water Management Plan, received November 25, 2009 has been reviewed and is found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  
☒NO  
☐NOT APPLICABLE  
☐

## Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport. Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

Primary noise sources to impact the project site are from future traffic traveling on Interstate 8 and Old Highway 80. Based on the noise report, future traffic noise levels will be as high as 67.8 dBA CNEL at ground level receptor on Lot 2. Lots 2, 3 and 6 will experience noise levels exceeding the 60 dBA CNEL requirement specified within the County Noise Element, Policy 4b. Noise mitigation is required for Lots 2, 3 and 6. Lot 2 will require an eight (8') foot high L-shaped noise barrier located along the southern pad edge facing Old Highway 80. The proposed barrier at Lot 2 will run approximately 65 feet southeast along the southwest pad edge to the southeastern corner, with a return northeast that runs 60 feet. Lots 3 and 6 will require five (5) foot high noise barriers along their pad edges facing Old Highway 80 respectively. The proposed barrier at Lot 3 would run approximately 65 feet southeast along the southwest pad edge to the southeastern corner, where it returns northeast and runs 60 feet. The proposed barrier at Lot 6 will run approximately 55 feet southeast along the western pad edge to the southwestern corner, where it returns east and runs 65 feet. Incorporation of the of required noise barriers on Lots 2, 3 and 6 would reduce noise levels at exterior noise sensitive land uses to meet the 60 dBA CNEL noise level requirement pursuant to the County Noise Element. Please refer to Figures 9, 10, and 11 within the noise report for barrier location and details.

Second story receptors have been evaluated and show potential to have residential building facades exposed to over 60 dBA CNEL at Lots 1, 2, 3 and 6. An interior noise analysis would be required at the time building plans are available. A Noise Restriction Easement dedication to the project subdivision would require an interior noise analysis at that time.

Temporary construction noise associated with the project subdivision was also evaluated. The project is subject 75 dBA at the boundary line for construction equipment operations. Based on the noise report, it is determined that construction

equipment activities will meet the Temporary construction noise limit of 75 dBA at all adjacent property lines. No noise mitigation is requirement for temporary construction noise associated with the project subdivision. Therefore, incorporation of permanent noise mitigation barriers and a noise restriction easement dedication to the project subdivision will ensure the project will comply with County noise standards.